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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

CR-21-03281-TUC-CKJ(BGM)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 vs.
13 Jose Luis Montijo,
14 Defendant.

No.

INDICTMENT

VIO: 18 U.S.C. §§ 922(a)(6) & 924(a)(2)
(Making False Statements in
Connection with Acquisition of
Firearms)
Counts 1, 2

18 U.S.C. § 554(a)
(Smuggling Goods from the United
States)
Count 3

18 U.S.C. §924(d)
28 U.S.C. §2461(c)
(Forfeiture Allegation)

20 **THE GRAND JURY CHARGES:**

21 **COUNT 1**

22 On or about October 16, 2020, in the District of Arizona, Defendant JOSE LUIS
23 MONTIJO, in connection with the acquisition of a firearm, to wit: a Century Arms
24 International model VSKA 7.62x39mm caliber rifle, from Second Amendment Sports Inc.,
25 a dealer of firearms within the meaning of Chapter 44, Title 18, United States Code,
26 knowingly made a false and fictitious written statement to Second Amendment Sports Inc.,
27 which statement was intended and likely to deceive Second Amendment Sports Inc. as to
28 a fact material to the lawfulness of such sale, in that Defendant JOSE LUIS MONTIJO

1 stated that he was the actual transferee/buyer of the firearm when in fact he was acquiring
2 the firearm on behalf of another person.

3 In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

4 **COUNT 2**

5 On or about November 17, 2020, in the District of Arizona, Defendant JOSE LUIS
6 MONTIJO, in connection with the acquisition of a firearm, to wit: a Springfield Armory
7 (HS Produkt) model XDS-9 9mm caliber pistol, from Second Amendment Sports Inc., a
8 dealer of firearms within the meaning of Chapter 44, Title 18, United States Code,
9 knowingly made a false and fictitious written statement to Second Amendment Sports Inc.,
10 which statement was intended and likely to deceive Second Amendment Sports Inc. as to
11 a fact material to the lawfulness of such sale, in that Defendant JOSE LUIS MONTIJO
12 stated that he was the actual transferee/buyer of the firearm when in fact he was acquiring
13 the firearm on behalf of another person.

14 In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

15 **COUNT 3**

16 Between or about October 2020 and November 2020, in the District of Arizona,
17 Defendant JOSE LUIS MONTIJO fraudulently and knowingly exported and sent from the
18 United States, and attempted to export and send from the United States, any merchandise,
19 article, or object contrary to any law or regulation of the United States, and received,
20 concealed, bought, sold, and in any manner facilitated the transportation, concealment, and
21 sale of such merchandise, article or object, to wit: firearms, including but not limited to
22 two Century Arms International model VSKA 7.62x39mm caliber rifles and one
23 Springfield Armory (HS Produkt) model XDS-9 9mm caliber pistol; knowing the same to
24 be intended for exportation contrary to any law or regulation of the United States, to wit:
25 Title 50, United States Code, Section 4819, and Title 15, Code of Federal Regulations,
26 Parts 736.2, 738, and 774.

27 In violation of Title 18, United States Code, Section 554(a).

FORFEITURE ALLEGATION

Upon conviction of Counts One through Three of the Indictment, Defendant Jose Luis Montijo shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- 1) Two Century Arms International model VSKA 7.62x39mm caliber rifles;
- 2) One Springfield Armory (HS Produkt) model XDS-9 9mm caliber pistol.

If any of the property described above, as a result of any act or omission of the defendant: a) cannot be located upon the exercise of due diligence; b) has been transferred or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of the court; d) has been substantially diminished in value; or e) has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property, including, but not limited to, all property, both real and personal, owned by the defendant.

17 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States
18 Code, Section 2461(c) and Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL

/s/

FOREPERSON OF THE GRAND JURY
Dated: December 29, 2021

GARY M. RESTAINO
United States Attorney
District of Arizona

REDACTED FOR
PUBLIC DISCLOSURE

/s/

ANGELA W. WOOLRIDGE
Assistant U.S. Attorney